



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.12687 of 2026
Date of decision : 13.3.2026
Date of uploading : 13.3.2026**

Gurpreet Singh @ Gopi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Meena, Advocate, for
Mr. Amit Arora, Advocate, for the petitioner

Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.70 dated 25.7.2019 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhikhiwind, District Tarn Taran.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 55 grams of heroin allegedly recovered from the petitioner on 25.7.2019.
3. Learned counsel for the petitioner has argued that the petitioner was initially arrested on 25.7.2019 whereinafter he was granted the concession of regular bail on 19.9.2019. The petitioner continued to



appear before the concerned Court till December 2022 but could not appear on 15.12.2022 and on subsequent dates thereafter, whereinafter, the petitioner was declared proclaimed offender on 1.7.2023. Subsequently, the petitioner was arrested on 26.2.2024 and is in continuous custody since then. Learned counsel has further submitted that the FIR in question pertains to recovery of 55 grams of heroin, which is non-commercial in nature and the petitioner was duly granted bail in the case on 19.9.2019. Learned counsel has further submitted that the petitioner could not appear in Court as he had falsely implicated by the police in other cases. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.3.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It is not in dispute that the petitioner was granted the concession of regular bail by the concerned Court on 19.9.2019 and he continued to appear till 15.12.2022. Since challan in the case already stands presented on 6.2.2020 and the trial is underway & the petitioner being in custody now since 26.2.2024 in the FIR in question, which pertains to 55 grams of heroin, which is on-commercial contraband, this Court is inclined to release the petitioner on bail.



6.1 As per custody certificate dated 12.3.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 29 days. As per the said custody certificate, the petitioner is stated to be involved in other cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following



conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.3.2026

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